81

# SUPREME COURT OF THE UNITED STATES.

## No. 44.

THE UNITED STATES APPLTS.

VERSUS

JOSEPH DELESPINE.

APPEAL FROM SUPERIOR COURT, SOUTHERN JUDICIAL DISTRICT OF FLORIDA.

INDEX.


| | *Original.* | *Print.* |
|---|---|---|
| Claimants petition | 1 | 3 |
| Answer to petition | 4 | 4 |
| Amended petition filed by claimant | 5 | 5 |
| Answer to answered petition | 9 | 7 |
| Replication to answer | 11 | 8 |
| Cause argued and continued | 11 | 8 |
| Decree | 12 | 8 |
| Appeal prayed | 13 | 9 |
| Certificates of clerk and judge | 14 | 9 |
| Spanish documents used on the trial of this case | 15 | 11 |
| Translation of Spanish documents | 30 | 18 |
| Certificates of translator and clerk | 49 | 17 |
| Testimony of William Eagan | 50 | 28 |
| Testimony of Odit Philippe | 51 | 29 |
| Testimony of William Cooley and Temple Pent | 52 | 29 |
| Clerk's certificate | 53 | 30 |


*Langtree & O'Sullivan, Print.*

THE UNITED STATES OF AMERICA,

*Southern Judicial District of Florida.*

Be it remembered, that heretofore, on the twentieth day of November, in the year one thousand eight hundred and thirty, Joseph Delespine, by his attorney, R. Fitzpatrick, filed in the office of the clerk of the superior court for the southern judicial district of Florida, his memorial, in the words and figures following:

JOSEPH DELESPINE
*vs.*
THE UNITED STATES.

For a tract of land on the Rio Neuvo, (New River) of two leagues to each point of the compass, supposed to contain 92,160 acres, more or less.

To the Honorable Judge of the southern judicial district of Florida:

The memorial of Joseph Delespine respectfully sheweth that your memorialist claims title in fee simple absolute, in and to a tract of land on the Rio Neuvo, in East Florida, containing 92,160 acres, northward of Cayo Biscayno, which said tract of land was granted to Juan Xavier de Arrambide, a Spanish subject, by the Captain-general of the Island of Cuba, on the 15th day of November, 1813, and which was confirmed by the governor and corporation of East Florida, at St. Augustine, on the 22d day of March, 1814, as will more fully appear on reference to the report of the land commissioners of East Florida to Congress, recommending the said claim for confirmation by that body, they having ascertained the grant for the same to be a valid Spanish grant.

Your memorialist further represents to your Honor, that in consequence of there being no attorney for the United States within the southern judicial district of Florida, upon whom process could be served according to law, during a great portion of the time prescribed by the act of Congress for the commencement of suits of this nature, and from other unavoidable causes, he was prevented from bringing his claim before the court for adjudication within the time specifically required by the said act of Congress; and is now, owing to the unavoidable absence of his counsel and other embarrassments, unable to present it in the necessary forms of law.

He therefore prays that your Honor will now take the matter into consideration, and order the same to be filed upon the record of the

court, subject to such amendments as the justice of the case may require.

JOSEPH DELESPINE,
*Per his Attorney,* R. FITZPATRICK.

Upon the back of which memorial is an indorsement, in the words and figures following:

I hereby acknowledge having this day received notice of the within claim, by receiving a copy hereof, attested by the clerk of within named court.

EDWARD CHANDLER,
*United States Attorney.*

February 8th, 1831.

Afterwards, on the first Monday in May, in the year one thousand eight hundred and thirty-one, at a superior court holden at the court-house in Key West, in the said district, came the said Delespine, by his said attorney; and the said cause was then and there continued, until the first Monday in December then next, at the court-house aforesaid.

Afterwards, at a superior court, holden at the time and place last aforesaid, before his Honor the judge aforesaid, came the said Joseph Delespine, by his attorney, and the said United States, by Edward Chandler, their attorney; and on motion of the said Chandler, for the said United States, this cause was further continued until the May term of the said court, in the year one thousand eight hundred and thirty-two, at the place last aforesaid.

Afterwards, at a superior court holden at the said court-house, on the first Monday of May, in the year last aforesaid, before his Honor the judge aforesaid, came the said parties by their said attornies. Whereupon, on motion of the attorney for the United States, this cause was further continued until the November term of the said court, at the same place.

Afterwards, on the first Monday of November, in the year last aforesaid, at a superior court for the said district, holden before his Honor the judge aforesaid, at the said court-house, came the said parties by their proctors aforesaid; and this cause was further continued by consent of the parties, until the May term of the said court, at the place last aforesaid.

Afterwards, at a superior court holden at the place last aforesaid, on the first Monday of May, in the year one thousand eight hundred and thirty-three, before his Honor the judge aforesaid, came the said parties by their attornies aforesaid, and the United States, by their said attorney, exhibited their answer to the said memorial and claim of the said Delespine, in the words following:

JOSEPH DELESPINE *vs.* THE UNITED STATES. } Claim to ninety-two thousand one hundred and sixty acres.

And the said United States, by Edward Chandler, their attorney for the southern district of Florida, in answer to the said claim, say that it ought not to be sustained by the court, inasmuch as that neither the said Delespine, nor the said Juan Xavier de Arrambide, ever came under the provisions of the acts of Congress in and for such case made and provided.

EDWARD CHANDLER, *Attorney.*

Whereupon, on motion of the said Chandler for the United States, this cause was further continued, until the then next November term of the said court, at the place last aforesaid.

Afterwards, at a superior court holden at the November term thereof, at the said court-house, before his Honor the judge aforesaid, on the 4th day of November, came the said parties by their said attorneys; and the said Delespine, by his attorney, exhibited and filed with the clerk of the said court his amended petition, in the words and figures following:

To the Hon. James Webb, Judge of the superior court for the southern judicial district of Florida:

The amended petition and memorial of Joseph Delespine respectfully sheweth that your petitioner claims title in fee simple absolute, in and to ninety-two thousand one hundred and sixty acres of land, situated and being in the Territory of Florida, and within the southern judicial district thereof, and within the jurisdiction of this Hon. court.

Your petitioner shews, that on or about the fifteenth day of November, eighteen hundred and thirteen, one Juan Xavier de Arrambide, a Spanish subject, applied to a certain body or committee, called the provincial committee, then established in the city of Havana, in the island of Cuba, whose business and duty it was to consider, consult, advise, determine, as to the most proper and advantageous distribution and disposition of the public lands, and for the granting of the same in the island of Cuba, and also in the provinces of East and West Florida, over which its authority in this respect extended, for a grant, in absolute ownership and property, of two leagues of land to each point of the compass, for the purpose of erecting saw-mills, cutting lumber, making tar, rosin, &c. That the said committee, at its session on the aforesaid 15th day of November, 1813, at which its president, his Excellency, the then Captain-general of the island of Cuba and of the two Floridas, was present and presided; resolved that the lands solicited by the said Juan Xavier de Arrambide should be granted to him in complete and absolute property and ownership; and that his Excellency the said Captain-general, at the said session

of the said committee, directed that the act or proceedings of the said committee at their said session, in relation to the said grant of land, should be transmitted to their governor and chief civil magistrate of East Florida, in order that the corporation of the said province might make a grant to the said Juan Xavier de Arrambide, of two leagues of land to each point of the compass, on the spot on which he the said Juan Xavier de Arrambide might choose, from the mouth of Rio Neuvo, (New River,) which empties itself on the coast of Florida, to Punta Layo, (Long Point,) on the south side, running to the sea side up to the sea shore.

Your petitioner further shows, that at a regular meeting of the corporation or cabildo of East Florida, held at St. Augustine on the 22d day of March, 1814, at which his Excellency Don Sebastian Kendulan, then governor and chief civil magistrate of East Florida, a memorial of the said Juan Xavier de Arrambide, dated at Havana on the first day of February, in the year 1814, was presented, accompanied by an authenticated copy of the aforesaid resolution and act of the aforesaid provincial committee, and of the aforesaid order of the Captain-general, in which memorial the said Juan Xavier de Arrambide, after referring to the aforesaid proceedings of the provincial committee, and of the Captain-general, solicited a grant of the said two leagues of land to each point of the compass, to the north of the river De los Mianias, which lies to the northwest of Cayo Viscayno; that the said corporation, at its said meeting, resolved to grant, and did grant to the said Juan Xavier de Arrambide, the said lands therein solicited by him, in full and absolute property, and directed that a copy of this act and proceedings in relation to the claim of the said Juan Xavier de Arrambide, together with his memorial to the said corporation, should be duly authenticated by their secretary, and furnished to him the said Arrambide for his security, and as a title to the said land; which was accordingly done.

Your petitioner further sheweth, that the said Juan Xavier de Arrambide, in virtue of the premises, entered upon and took actual possession of the lands embraced by the said grant, and carried a number of persons with him from the island of Cuba for the purpose of settling the said lands, and of completing the purposes he had in view in obtaining the said land. That the said Arrambide, for several years, prosecuted the settlement and improvement of the said land, and the making of tar and rosin, and in the cutting of timber thereon, when he was driven from it, and compelled to abandon his plans founded on the possession of it, by the hostility of the Indians and fugitive negroes, who infested that part of the country. That the said Juan Xavier de Arrambide, by his agent, lawfully authorized in that behalf, sold and conveyed the said land in absolute property in fee simple, one George I. F. Clarke, a Spanish subject, according to the formalities required by the Spanish law, on or about the 29th day of April, 1820. That after the purchase of the said land, to wit, on or about the 4th day of January, 1822, the said Clarke sold and conveyed the said land to one John B. Strong, for a large and valuable consideration paid to him by your petitioner, sold and

conveyed to your petitioner the same land and its appurtenances, in fee simple absolute, on or about the 25th day of February, 1822.

Your petitioner further showeth, that his claim to the said tract of land was duly submitted to the examination of the board of commissioners, appointed under and in virtue of an act of Congress of the United States, entitled "An act for ascertaining claims and titles to lands in the Territory of Florida, and to provide for the survey and disposal of lands in Florida," passed the 3d March, 1823. That the said land, situated as aforesaid, is embraced by the treaty between the United States and Spain, of the 22d February, 1819. That his claim to the said land has not been finally settled under any of the acts of Congress providing for the settlement and confirmation of private land claims in Florida; nor has the same been reported by the land commissioners, nor by the register and receiver, acting as land commissioners, as "ante-dated or forged." But on the contrary, the same was recommended by the board of commissioners for East Florida, for confirmation, in their report submitted to Congress, and dated on or about the 14th day of December, 1825.

Wherefore, he prays the validity of his claim to the said land may be inquired into, and decided upon, by this Hon. court. That in pursuance of an act in that case made and provided, the said United States be made a party defendant, and that the right and title to the said land, so far as the said United States are concerned, be decreed to him: and will ever pray.

HACKLEY & GORDON, *Pro. Pet.*

Whereupon, at the same term of the said court, the said United States, by their attorney aforesaid, exhibited and filed their answer to the foregoing amended petition, in the words and figures following:

UNITED STATES OF AMERICA *adsue* JOSEPH DELESPINE. } Claim for 92,160 acres of land in the southern district of Florida.

And the said United States, by Edward Chandler, their attorney for the said district, appear in the superior court here of said district, and, for answer in this behalf, say that the claim aforesaid ought not to be sustained, for cause that the grant to Arrambide, alledged in said claim, (if any there were) was upon condition which has not been complied with by the claimant or Arrambide; that if there had been and was a grant, as alledged, and without condition, the present claimant did not comply with the requisitions of the statute in such case made and provided, in the original petition and claim presented on his behalf in this case; that the claim last presented is in fact a new claim, and not an amended one, as so called; that as a new claim, it could not properly have been urged at the time of the filing of the one now under consideration; that if said claim be only an amended one, the provisions of the statute have not been complied with; that the grant alledged, if any, was not made to Arrambide

of the said committee, directed that the act or proceedings of the said committee at their said session, in relation to the said grant of land, should be transmitted to their governor and chief civil magistrate of East Florida, in order that the corporation of the said province might make a grant to the said Juan Xavier de Arrambide, of two leagues of land to each point of the compass, on the spot on which he the said Juan Xavier de Arrambide might choose, from the mouth of Rio Neuvo, (New River,) which empties itself on the coast of Florida, to Punta Layo, (Long Point,) on the south side, running to the sea side up to the sea shore.

Your petitioner further shows, that at a regular meeting of the corporation or cabildo of East Florida, held at St. Augustine on the 22d day of March, 1814, at which his Excellency Don Sebastian Kendulan, then governor and chief civil magistrate of East Florida, a memorial of the said Juan Xavier de Arrambide, dated at Havana on the first day of February, in the year 1814, was presented, accompanied by an authenticated copy of the aforesaid resolution and act of the aforesaid provincial committee, and of the aforesaid order of the Captain-general, in which memorial the said Juan Xavier de Arrambide, after referring to the aforesaid proceedings of the provincial committee, and of the Captain-general, solicited a grant of the said two leagues of land to each point of the compass, to the north of the river De los Mianias, which lies to the northwest of Cayo Viscayno; that the said corporation, at its said meeting, resolved to grant, and did grant to the said Juan Xavier de Arrambide, the said lands therein solicited by him, in full and absolute property, and directed that a copy of this act and proceedings in relation to the claim of the said Juan Xavier de Arrambide, together with his memorial to the said corporation, should be duly authenticated by their secretary, and furnished to him the said Arrambide for his security, and as a title to the said land; which was accordingly done.

Your petitioner further sheweth, that the said Juan Xavier de Arrambide, in virtue of the premises, entered upon and took actual possession of the lands embraced by the said grant, and carried a number of persons with him from the island of Cuba for the purpose of settling the said lands, and of completing the purposes he had in view in obtaining the said land. That the said Arrambide, for several years, prosecuted the settlement and improvement of the said land, and the making of tar and rosin, and in the cutting of timber thereon, when he was driven from it, and compelled to abandon his plans founded on the possession of it, by the hostility of the Indians and fugitive negroes, who infested that part of the country. That the said Juan Xavier de Arrambide, by his agent, lawfully authorized in that behalf, sold and conveyed the said land in absolute property in fee simple, one George I. F. Clarke, a Spanish subject, according to the formalities required by the Spanish law, on or about the 29th day of April, 1820. That after the purchase of the said land, to wit, on or about the 4th day of January, 1822, the said Clarke sold and conveyed the said land to one John B. Strong, for a large and valuable consideration paid to him by your petitioner, sold and

conveyed to your petitioner the same land and its appurtenances, in fee simple absolute, on or about the 25th day of February, 1822.

Your petitioner further showeth, that his claim to the said tract of land was duly submitted to the examination of the board of commissioners, appointed under and in virtue of an act of Congress of the United States, entitled "An act for ascertaining claims and titles to lands in the Territory of Florida, and to provide for the survey and disposal of lands in Florida," passed the 3d March, 1823. That the said land, situated as aforesaid, is embraced by the treaty between the United States and Spain, of the 22d February, 1819. That his claim to the said land has not been finally settled under any of the acts of Congress providing for the settlement and confirmation of private land claims in Florida; nor has the same been reported by the land commissioners, nor by the register and receiver, acting as land commissioners, as "ante-dated or forged." But on the contrary, the same was recommended by the board of commissioners for East Florida, for confirmation, in their report submitted to Congress, and dated on or about the 14th day of December, 1825.

Wherefore, he prays the validity of his claim to the said land may be inquired into, and decided upon, by this Hon. court. That in pursuance of an act in that case made and provided, the said United States be made a party defendant, and that the right and title to the said land, so far as the said United States are concerned, be decreed to him: and will ever pray.

HACKLEY & GORDON, *Pro. Pet.*

Whereupon, at the same term of the said court, the said United States, by their attorney aforesaid, exhibited and filed their answer to the foregoing amended petition, in the words and figures following:

UNITED STATES OF AMERICA *adsue* JOSEPH DELESPINE. } Claim for 92,160 acres of land in the southern district of Florida.

And the said United States, by Edward Chandler, their attorney for the said district, appear in the superior court here of said district, and, for answer in this behalf, say that the claim aforesaid ought not to be sustained, for cause that the grant to Arrambide, alledged in said claim, (if any there were) was upon condition which has not been complied with by the claimant or Arrambide; that if there had been and was a grant, as alledged, and without condition, the present claimant did not comply with the requisitions of the statute in such case made and provided, in the original petition and claim presented on his behalf in this case; that the claim last presented is in fact a new claim, and not an amended one, as so called; that as a new claim, it could not properly have been urged at the time of the filing of the one now under consideration; that if said claim be only an amended one, the provisions of the statute have not been complied with; that the grant alledged, if any, was not made to Arrambide

alone, nor intended to opperate to his sole advantage; that Arrambide, previous to the treaty of session in 1819, relinquished his residence in Florida, and said claim is not protected by said treaty. Wherefore, the said United States pray judgement, and that said claim be dismissed with costs.

EDWARD CHANDLER,
*District Attorney, South Florida.*

And thereupon, then and there, the said Joseph Delespine, by his said attorneys, exhibited his replication to the foregoing answer, in the words and figures following:

JOSEPH DELESPINE
*vs.*
THE UNITED STATES. } In a claim to 92,160 acres of land, &c.

And the said claimant, not confessing, but denying the matters and things set forth in the answer of the district attorney, filed for and in behalf of the said United States, alleges that, for anything set forth therein, the said claimant ought not to be precluded from having his claim examined and decided by this Hon. court, according to the laws in this behalf enacted, or under the treaty of 22d February, 1819, and the laws and usages of nations. And the said claimant avers, that the amended petition refers to the same grant, and the same land, as the original and informal petition on file, and is not therefore a new petition; that the said grant was made originally for the sole use and benefit of the said Arrambide, and is in no manner forfeited, revoked, or become void.

HACKLEY & GORDON,
*For Claimant.*

Whereupon, then and there, to wit, at the November term of the said court, in the year one thousand eight hundred and thirty-three, the parties aforesaid, by their said attorneys, proceeded to the trial of this cause; which being concluded, the said court, not being fully advised what judgment to render in the premises, continued this cause until the May term of the said court, then next following.

Afterwards, at a superior court, holden at the said court-house, at the regular May term thereof, in the year one thousand eight hundred and thirty-four, came the said parties, by their attorneys aforesaid, when the said court, being fully advised in the premises, delivered its written decree in this case as follows:

It is considered, adjudged, and decreed, by the court, that the grant of land in East Florida, to Juan Xavier de Arrambide, a title to which was given on the 22d day of March, in the year one thousand eight hundred and fourteen, by the council of East Florida, in compliance with the decree or resolution of the provincial deputation, established in the city of Havana, in the island of Cuba, dated the

fourth day of December, in the year one thousand eight hundred and thirteen, is a valid Spanish grant for ninety-two thousand one hundred and sixty acres of land, and in law and equity it ought to be; and under the "treaty of amity, settlement, and limits, between the United States of America and the king of Spain," ratified by the President of the United States, on the 22d day of February, in the year one thousand eight hundred and twenty-one; and under the act of the Congress of the United States, approved May the 26th, 1830, entitled "An act to provide for the final settlement of land claims in Florida," and by virtue thereof, it is hereby confirmed, and the same is hereby adjudged and decreed to the petitioner, Joseph Delespine, who claims the said land by virtue of conveyances from the said Juan Xavier de Arrambide; saving and reserving the rights of all persons whatsoever, not represented in this cause, in said tract of land, or any part thereof.

And it is further ordered, adjudged, and decreed, that the said tract of land be surveyed and laid out in a square form, to contain ninety-two thousand one hundred and sixty acres, English measure, each line of which to be four leagues, or twelve English miles in length, and that the centre of said tract be fixed and ascertained by the surveyor, who, under the law, shall be appointed to survey the same, at a point two leagues northward from the mouth of the river Miamies, (which river lies to the northwest from Cayo Byscayno,) and two leagues from the sea coast; and that the lines of the same be run to the four cardinal points of the compass.

JAMES WEBB, *Judge.*

Afterwards, on the first day of November, eighteen hundred and thirty-four, Edward Chandler, Esq., United States Attorney for said district, filed in the office of the clerk of said court, the following appeal:

SUPERIOR COURT, SOUTH FLORIDA:

UNITED STATES OF AMERICA *adsue* JOSEPH DELESPINE. } Claim for 92,160 acres of land. Judgement for claimant.

And the United States aforesaid, by their attorney for the district of South Florida, come into the said court here, and respectfully pray an appeal from the decision of the said court, in the premises.

EDWARD CHANDLER,
*United States District Attorney, South Florida.*

Aug. 10th, 1834.

THE UNITED STATES OF AMERICA,
*Southern Judicial District of Florida:*

I, Alden A. M. Jackson, clerk of the superior court for the said

district, do hereby certify, that the foregoing is a full and complete copy of the record and proceedings in the case of Joseph Delespine against the United States, lately adjudicated in the said court, as the same now appear from the records and files of my office.

Given under my hand and the seal of the said court,
[SEAL.] this twenty-fifth day of September, one thousand eight hundred and thirty-eight.

ALDEN A. M. JACKSON, *Clerk.*
By L. W. SMITH, *Deputy.*

THE UNITED STATES OF AMERICA,
*Southern Judicial District of Florida:*

I, James Webb, Judge of the superior court for the said judicial district, do hereby certify, that Alden A. M. Jackson is clerk, and L. W. Smith deputy clerk, of the said court; and that full faith and credit are and ought to be given to their attestations, as such; and furthermore, that the foregoing record, and the said clerk's certificate following, are in due form of law.

Given under my hand and seal, this twenty-seventh day of September, one thousand eight hundred and thirty-eight.

JAMES WEBB, [SEAL.]
*Judge South. Dist. Florida.*

*Protocolaguen.*

En la ciudad de la Havaña, en doce de Enero de mil ochocientos catorce años: Yo, el ynfrascrito, escribano de S. M. publico de los del numero de esta ciudad, en virtud de lo dispuesto por el Sr. Don Ygnacio Pedroso, alcalde constitucional de ella, por decreto de esta fecha recevido á instancia presentado por Don Juan Xavier de Arrambide, procedo á protocolar á continuacion dicha instancia con el documento que á ella acompaño, que es otro presentado al Exmo. Sor. Capitan General, gefe superior politico de esta provincia, y presidente de la exma. diputacion provincial, pidiendo un testimonio de la acta certificada de ella celebrada á los cuatro de Diciembre ultimo, cuyo testimonio aparece puesto á continuacion de ella por el escribano de Gobierno de esta plaza; y en fe de ello, y de quedar protocolado dichos documentos, firmo la presente; siendo testigos, Don Vicente Perez, Don Manuel Fornari, y Don Francisco de Silva, vecinos presentes.

JOSE LEAL.

*Memorial.*

Sor. Alcalde Constitucional:—Don Juan Xavier de Arrambide, residente en esta ciudad, con la atencion debida, hace presuente á V., que necesitando que el adjunto documento se protocole en unos de los oficios publicos de esta ciudad, para sacar de él los testimonios que necesitarse, suplica á V. se sirva mandar se protocole en la escribania, donde lo presente que se me proveia de los testimonios que pida. Havaña, doce de Enero de mil ochocientos catorce.

JUAN XAVIER DE ARRAMBIDE.

*Decreto.*

Havana, y Enero doce de mil ochocientos catorce:—Como pide.

PEDROSO,
JOSE LEAL.

*Otro Memorial.*

Exmo. Señor Capitan General, gefe superior politico de esta isla y las dos Floridas:—Don Juan Xavier de Arrambide y Goicochea, natural de Puerto Real, y residente en esta ciudad, y con el debido respecto, hago presente á S. E. que en la junta celebrada por la exma. diputacion provincial en cuatro del corriente, se despuse que el illamo. ayuntamiento de San Agustin de la Florida me conceda dos leguas á cada viento en el territorio de aquel provincia, para los fines que constan en mi instancia de veinte y ocho de Maio de este año; y por tanto suplico á V. E. se digne mandar se me provea por quien corresponda de copia autorisada de esta acta que es gracia de la justificacion de V. E.—Havaña, nueve de Dicre. de mil ochocientos trece.

JUAN XAVIER DE ARRAMBIDE Y GOICOCHEA.

*Decreto.*

Havaña, dice de Diciembre de mil ochocientos trece.—Dese al promovente testimonio de la determinacion que espresa contraida á su pretencion.

APODACA.

*Certificacion.*

Certifico que en sesion celebrada por la exma. diputacion provincial el dia de la fecha precidida por el Exmo. Sor. Capitan General, gefe superior politico de la provincia, se bolbio á leer el ynforme de la comision presentada en sesion de quince de Noviembre anterior, sobre la solicitud de Don Xavier de Arrambide para que se le conceda en propiedad cierta estencion de terreno en la Florida Oriental, con el objeto de establecer en él aserraderos de maderas, y estraer vecinos acerca de lo qual, dijo el Señor Don Jose de Ferregar que en el repartimiento de estos terrenos, no debia observará la letra del soverano decreto de cuatro de Enero de este año, sino mas bien las leyes de Indias sobre el asunto, porque aquel decreto se contrae á la division de valdios y realengos en las provincias ya poblados, en cuyo caso no estan las Floridas pues á excepcion de una pequeña parte de sus costas lo restante de ella, y todo el interior, cuya estencion es incalculable permanece inculta y desierta, debiendo por tanto considerarse á Arrambide, como un poblador de los que tratan las citadas leyes, y por consiguiente no limitan el terreno que se le mercede en absoluta propiedad á las pequeñas cuestas indicadas en el referido decreto: y habiendose discutido suficientemente sobre este asunto, accordo S. E. que en virtud de la conformidad manifestada, por el ayuntamiento de San Agustin de la Florida, en su acta de diez y seis de Agosto último, con lo cual la diputacion resuelva sobre este caso, se consulte á la Exmo. Señor Capitan General, gefe superior politico de aquella provincia, con copia certificada de la presenta acta, se sirva S. E. decir á este ayuntamiento que conceda en propiedad á Don Juan Xavier Arrambide dos leguas en quadro á cada viento del terreno que elija desde la boca del Rio Nuevo, que desagua en la costa de la Florida Oriental, y la punta larga en la parte del sur, siguiendo el mismo, rumbo hasta la orilla del mar, permitiendole costar, maderas fuera del quadro demarcado, quando la necesite y no se hallan mercedado á otros vecinos los terrenos columdantes; prohibiendole quemarla y ofender á los Indios; volviendo el expediente á la comision para que proponga el mejor medio de repetir los demas terrenos, arreglandose tanto posible al citado decreto.—Havaña y Diciembre cuatro de mil ochocientos trece.

TOMAS ROMAY, *Secretario.*

Es conforme á su original que devolvi á la secretaria de Govierno, á que remito. Y en virtud de lo mandado, pongo el presente.—Havaña, catorce de Diciembre de mil ochocientos trece años.

(Signado) MIGUEL MENDEZ.

Es conforme á sus originales que quedan protocola dos en el de instrumentos publicos de mi archivo, á que me remito, y de pedimento de parte doy el presente.—Havaña y Setiembre, diez y siete de mil ochocientos catorce años.

JOSE LEAL.

Derechos 16 rs.

Don Juan de Entralgo, Secretario del ilustre, ayuntamiento de la plaza de San Agustin de la Florida Oriental—Certifico que en cabildo ordinario celebrado en viente y dos de Marzo ultimo, a que concurriron los Señores Don Sebastian Kindelan y Organ, caballero de la orden de Santiago, rigadier de los exercitos nacionales, gobernador militar y gefe politico, presidente; Don Jose Sanchez, alcalde constitucional; Don Francisco Perez, y Don Pedro Rodriguez de Cala Rexidores, y Don Jose Bernado Reyes, procurador sindico, se acordo, entre otros cosas, por una acta, la siguiente.

*Acuerdo.*

En este cabildo ha presentado el secretario de ayuntamiento una representacion que desde la Havaña le ha dirigido para este Y. C. Don Juan Xavier de Arrambide, con fecha de primera de Febrero ultimo; incluyendo testimonio del acuerdo de la exma. diputacion provincial acerca de la concesion, de dos leguas à cada viento que se le ha hecho por conformidad del Exmo. Señor Capitan General, gefe politico de la isla de Cuba y dos Floridas, en el territorio de la parte meridional de esta provincia, solicitando que este ilustre ayuntamiento lé expide el titulo de propiedad de dichas dos leguas de tierra al norte rio de los Maimies—que estan à la parte del norueste de Cayo Viscayno. Y los Señores. concurrentes, teniendo á la vista la misma determinacion, de S. E. con copia autorisada de la esprisada exma. diputacion que acaba de comunicarse en este cabildo por el Señor Gobernador, presidente, en obedecimiento tanto de lo acordado, por la antedicha diputacion, como de la conformidad del Exmo. Señor Capitan General, acordaron otorgar la merced que solicita Don Juan Xavier de Arrambide; á cayo fin, y para que pueda acreditar el titulo de propiadad que pretende se le libre el presente secretario antorizará testimonio de la referida representacion, y esta acta que se le entregara para su resguardo como titulo de la merced que se le hace á reserva de lo demas que segun las leyes corsesponda á esta cuerpo conocer del asunto.

*Representacion.*

Al Ilustre Ayuntamiento:—Don Juan Xavier Arrambide, con la debida utencion, hace presente á V. S. que habiendo determinado esta diputacion provincial, como resulta de la acta de cuatro de Diciembre último, y consta del testimonio adjunto, se me concede en propiedad dos leguas á cada viente en el territorio de la parte meridional de esa provincia, para los fines que esprese he mi solicitud de viente y ocha de Maio del mismo año, y demas que consta de la espresada

acta, dexando á mi eleccion el punto en que me convenga situarme, por la cual deseando verificarlo á dos millas [leguas] al norte del rio de los Maimies, que esta en la parte del norueste del Cayo Viscayno: suplico á V. S. se digne expedirme el correspondiente titulo de propiedad, de las dos leguas de terreno á cada viento, con arreglo á esta situacion; reservandome producir el plano del mismo terreno, y de quanto conste en el mismo, luego que me halle en aptitud de sacarlo para poder emprehender el establecimiento que debo verificar. Havana, primera de Febrero de mil ochocientos catorce.

JUAN XAVIER DE ARRAMBIDE.

Es copia: San Agustin de la Florida, tres de Junio de mil ochocientos catorce.

JUAN DE ENTRALGO,
*Secretario.*

Don Manuel Lopez Garcia, ministro oficial, real contador de las caxas nacionales de esta ciudad de San Agustin de la Florida, y Don Jose Antonio Ygninez, teserero interino de ellas—Certificamos que Don Juan de Entralgo, de quien aparece fermado la certificacion antecedente, es tal secretario de este ilustre ayuntamiento como se titula, y escribano interino de Gobierno en esta dicha ciudad, unico en ella y su provincia; y a sus semejantes siempre se les ha dado y entera fe y credito en ambos juicios. Y para constancia firmamos la presente, á pedimento de parte, en esta dicha cinidad de San Agustin de la Florida, á seis de Junio de mil ochocientos catorce.

MANUEL LOPEZ,
JOSE ANTONIO DE YGÑINEZ.

N. B. The above word Signas is blotted in the original, and Millas written over it,—the word Signas is evidently the true word. I have therefore translated it Leagues.

W. H. WALL, *Translator.*

COPY.

Sepase que yo Don Juan Xavier de Arrambide Goicoachea, residente en esta ciudad, otorgo que doy mi poder cumplido bastante quanto por derecho se requiera y sea necesario, á Mr. John B. Strong, ciudadanos de los Estados Unidos de America general, para que encarque, defienda, liquide, trance, y finalice qualesquiera negocios en que deba tener instruccion toque y le corresponda en aquellos Estados con revocacion de qualquier poder, particularmente el conferido á favor de Don. Juan Forbes, pues declara por de ningun valor qualquiera documento que á él haga referencia, y especial para la vente de las tierras que tengo en la Florida Oriental; otorgando las respectivas escrituras que las hagan firmes y valederas como si las interveniese en persona y caso necesario se presente en juicio con escritos, testigos, probanzas, otros documentos y papeles que saque del poder donde se hallaren: haga protestas, citaciones y emplazamientos, pida execuciones, prisiones solturas embargo y desembargo de bienes su venta, trance, y remati de que tome posesion si se le ad-

judicaren y para qualquier genero de pruebas los terminos necesarios, y los renuncie receptorias requisitorias, mandamienta otros despachos que haga leer, publicase instruir a quien y donde convenga. Vea presentar, jurar, y conocer los testigos de contrario pongáles objeciones y tachas, abone diche y personas haga juramentos y recusaciones, conclupa, oiga autos y sentencias interlocutorios y definitivas, consienta lo favorable y de lo prejudicial, suplique y apale cuyos recursos y demas legales competentes instruya y deriga para donde con derecho pueda y deba. Finalmente procese, actue, y obre todos quantos cuantas mas diligencias judiciales ó estrajuiciales se requieran en qualquiera de mis asuntos, que para ellos lo incidenta y dependiente le doy este porer sin limitacion, con libre y general adminestracion, facaltad de enjuiciar, jurar, instituir, y la de transarse por si, ó comprometiendose en juices arbitros, arbitradones, juris ó amigables componedores con formal seleccion. A la firmeza y cumplimiento de lo que en su virtud obrase, obligo mis bienes presentes y futuros, y poderio de justicias y renunciaciones de leyes. En cuyo testimonio, es fecha en esta ciudad de Puerto Principe á diez y siete de Enero de mil ochocientos veinte años. Yo el escribano doy fe, conosco el otorgante que asi lo dijo y firmo; siendo testigos Don Pedro Sespedez, Don Pio de Eira, y Don Ramon de la Torre presentes.

JUAN XAVIER DE ARRAMBIDE Y GOICOCHEA.

Ante mi, JOSE RAFAEL CASTELLANO.

Es conforme, á su original á que me remito, y á pedimento de parte lo hice escribir: Puerto Principe, veinte de Enero de mil ochocientos veinte.

JOSE RAFAEL CASTELLANO.

We, the undersigned native citizens of the United States of America, now in this city, do declare that the signature of Dr. José Rafael Castillornos, annexed to the preceding document as of his own hand, and that he is a notary public, of this said city, duly authorised, and that due faith and credit is and ought to be given to his signature as a public notary.

G. F. USHER,
JOS. B. BLUNT.

PUERTO DEL PRINCIPI, Jan'y 21, 1820.

I, the undersigned merchant, residing in this city, do declare, that I know Dr. José Rafael Castillornos, and that he is notary public, duly authorised, and that to his signature in the preceding document, in the Spanish language, and to all other public instruments, due faith and credit, is and ought to be given.

JNO. OWEN.

PUERTO DEL PRINCIPI, Jan'y 22nd, 1820.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augus-
[SEAL.] tine, Territory of Florida, this twenty-eighth day of March, A. D. one thousand eight hundred and thirty-six.
ANTONIO ALVAREZ, *K. P. A.*

PUERTA REAL.

Sepase que yo, Don Jose B. Strong, ciudadano de los Estados Unidos de America, residente por ahora en esta cuidad, y apoderado de Don Juan Xavier de Arrambide Goiceoachea, residente en la ciudad de Puerto Principe de la isla de Cuba, segun el que me tiene conferido ante el escribano de aquel cabilds Don Jose Rafael Castillana à diez y siete de Enero del corriento año, el cual en testimonio era unido à continuacion, y es bastante para lo que se dira, otorgo que vendo realmente à Don Jorge Clarke, vecino de este provincia, agrimensor general en ella, dos leguas de tierra à cada viento, que es en quadro en territorio de la parte meridional de esta provincia, situada a dos leguas al norte del rio de los Maimies, que esta en la parte del norueste del Cayo Biscayno, y se comprehenden entre la boca del rio Nuevo, que desagua en la costa de esta Florida, y la punta larga en la parte del sur siguiendo el mismo rumbo hasta la orilla de la mar, Cuyo terreno es el mismo que me concedio en plena propiedad el ayuntamiento constitucional de esta plaza, por acta celebrada en viente y dos de Marzo de mil ochocientos catorce, en virtud del determinacion del Exmo. Señor Capitan General de la isla de Cuba y dos Floridas, comunicada con copia autorisada del dictamen de la exma. diputacion provincial. Y le vendo las citadas dos leguas à cada viento, en los terminos y bajo las circunstancias que estan concedidas, al espresado mi poderante Don Juan Xavier de Arrambide Goicoachea, con sus pastos, montes, aguas, entradas, salidas, usos costumbres, derechos, y servidumbres, à la manera que le corresponde, y que pudiera usarlo por si-mismo y sus susesores, libres de todo gravamen, (como asi lo certifico yo el escribano, segun lo que resulta del libro de hipotecas de mi cargo que à este efecto reconoci,) en precio de veinte mil pesos, que el comprador me ha satisfecho en dinero corriente, de que me doy por entregado à mi voluntad, renuncio la prueba, leyes de la entrega excepcion, de la non numerata pecunia dolo y dernas del caso de que otorgo formas aecibo; en virtud del cual aparto de mi poderdante del derecho de propudad, posesion util, senorio, y dernas acciones reales y personales que al referido terreno havia y tenia, pues todo lo cedo, renuncio, y traspase en el comprador y en quien en derecho representara para que como propio aprehende su posesion del modo que le convenga y corresponda en virtud de este escritura, por lo cual podra disponer à su arbitrio de la coso, adquirida sin necesidad de otro prueba, de que le relevo. Y obligo à mi poderdante à la eviccion y saniamiento de esta venta ea bastante forma, y como mas convenga en favor del comprador, con los bienes de mi poderdante, habidos y por haber poderio y sumision à las justicias de su domicilio, para que lo apremien à su cumplimiento, como por sentencia consentida y pasada en autoridad de coso juzgada, sobre que renuncio todos las leyes, fueros, derechos, y privilegios, de su faror ela general en forma que lo prohibe.

89

Y estando presente, yo Don Guillermo Traves, de esta vecindario, por encargo del comprador Don Jose Clarke, acepto à su favor esta escritura, y por ella recibo comprador las enunciadas tierras en el precio y conformidad que le van vendidas de que se dar por entregado à su voluntad, con renunciacion de la preseva, leyes de la entrega, las de la coso, no vista ni recibida dolo y demas del caso de que otorgo recibo en forma. En cuyo testimonio, es fecha en esta ciudad de San Agustin de la Florida, à viente y nueve de Abril de mil ochocientos veinte. Yo el escribano doy fe que los otorgantes asi lo dixeron y firmaron; siendo testigos Don Bernardo Segui, que servio de interprete por no haberlo publico, Don Pedro Miranda, y Don Fernando de la Maza Arredondo, vecinos presentes.

JOHN B. STRONG,
GUILLERMO TRAVERS.
*Como Interprete,*
BERNARDO SEGUI.

Ante mi: JUAN DE ENTRALGO,
*Escribano de Gobierno.*

I Antonio Aloerez, keeper of the public archieves of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, territory of Florida, this twenty-eighth day of March, A. D. one thousand eight hundred and thirty-eight.

[SEAL.]

ANTONIO ALVAREZ.

THE UNITED STATES OF AMERICA—*Southern Judicial District of Florida.*

I, Alden A. M. Jackson, clerk of the Superior Court for the said district, do hereby certify that the foregoing documents, paged from one to fifteen, are true copies of original Spanish documents now on file in my office.

Witness my hand and seal of the said court, this twenty-seventh day of September, one thousand eight hundred and thirty-eight.

ALDEN A. M. JACKSON, *Clerk.*
*By* L. W. SMITH, *Deputy.*

TRANSLATION.

*Record.*

In the city of Havana, on the 12th January, 1814, I, the undersigned notary public of his majesty, of the number of this city, in virtue of the orders of Dn. Ignacio Pedroso, constitutional alcade of the same, by a decree of this date, made to a memorial presented by Dn. Juan X. de Arrambide, I have recorded in continuation said memorial, with the documents accompanying it, which is another presented to the most excellent captain general, superior political chief of the province, and president of the most excellent provincial deputation, asking for a testimonial of the certified act of the same, passed on the 4th Dec'r last; which testimonial appears placed in continuation of it, by the government notary of this city; and to attest which, and said document remaining recorded, I sign these presents, Don Vincente Perez, Don Manuel Famare, and Don Francisco de Silva, residents, being witnesses.

JOSE LEAL.

*Memorial.*

SENOR ALCALDE CONSTITUTIONAL:

Dn. Juan X. de Arrambide, a resident of this city, with due respect, makes known to you, that requiring that the annexed document be recorded in one of the public officcs of this city, in order that the necessary testimonials be taken from it, he supplicates that you will please to order that it be recorded in the notary's office, where he presents it, and that the copies I require be furnished me.

JUAN DE XAVIER DE ARRAMBIDE.

HAVANA, 12th Jan'y 1814.

HAVANA, 12 of January, 1814.

As he asks for.

PEDROSO,
JOSE LEAL.

*Another Memorial.*

MOST EXCELLENT SIR:

Captain general, superior political chief of this Island and the two Floridas, Dn. Juan X. Arrambide, and Goicoeheo, native of Puerto Rial, and a resident of this city, with due respect, states to your Excellency, that on the meeting of the most excellent provincial deputation, held on the 4th instant, it was ordered that the honorable council of St. Augustine, Florida, should grant me, say, two leagues to each cardinal point of the compass, in the territory of that pro-

vince, for the ends contained in my memorial of the 28th of May of that year. Wherefore, I pray your Excellency to be pleased to order the person whose duty it is to furnish me with an authorized copy of that act; which he hopes for from the justice of your Excellency.

JUAN XAVIER DE ARRAMBIDE Y GOICOCHEO.

HAVANA, 9th Dec'r, 1813.

*Decree.*

HAVANA, 10th of December, 1813.

Let the memorialist receive a testimonial of the determination stated by him in his memorial.

APODACA.

*Testimonial.*

I certify that at the session held by the most excellent provincial deputation, the day of the date hereof, presided over by his excellency the captain general superior political chief of the province, there was read the report of the commission presented on the 15th of the preceding November, on the solicitation of Dn. Juan X. de Arrambide, that there should be granted him, in property, a certain extent of land in East Florida, with the object of establishing on it mills for sawing timber, and extract from the precinct; with respect to which, Senor Dn. Jose Ferregar said, that in the distribution of these lands, the letter of the sovereign decree of the 4th of January, of this year, ought not to be observed, but rather the laws of the Indies on the matter, as that decree applies to the division of vacant and royal lands in the provinces already peopled, in which state the Floridas are not; since, with the exception of a small part of their coasts, the remainder of which, and the entire of the interior, which is of incalculable extent, remains uncultivated and desert. Arrambide ought, therefore, be considered as one of the settlers of whom the said laws treat; and, consequently, the land granted to him in absolute property should not be limited to the small tracts pointed to in the said decree. And having sufficiently discussed the business, the most excellent deputation agreed, that in virtue of the conformity manifested by the council of St. Augustine, Florida, in its act of the 16th of August last, and which the deputation resolved in this case, after having consulted the captain general superior political chief of the province, with a certified copy of the present act, the most excellent deputation were pleased to state to that council that they grant in property to Dn. Juan X. de Arrambide two leagues square to each cardinal point of the compass of the land he may choose, from the mouth of New river, which discharges itself on the coast of East Florida, and through Puerta Largo, on the south part, following the same course to the sea shore, permitting him to cut timber without the square set forth, and where the boundary lands are not granted to other inhabitants, prohibiting him from burning them and offending

the Indians, returning the proceedings to the commission, that they may propose the best mode of distributing the remaining lands, conforming as near as possible to the said decree.

THOMAS ROMEY, *Secretary.*

HAVANA, 4 Dec'r, 1813.

This is conformable to the original, which I returned to the office of the secretary of government, to which I refer; and in obedience to order, I put these presents.

MIGUEL MENDEZ.

HAVANA, Dec'r 14th, 1813.

This is conformable to the originals, which are recorded with the public instruments in my archives, to which I refer; and in compliance with orders in the decree made to the memorial first copied, I give these presents.

JOSE LEAL.

HANANA, September 17th, 1814.
Expense, 16 rs.

Don Juan de Entralgo, secretary of the hon'l the council of the city of St. Augustine, East Florida:

I certify that at an ordinary session, held the 22d of March last, at which met Senors Don Sebastian Kindelan and O. Regan, knights of the order of St. James, brigadier of the national armies, military chief president, Dn. Jose Sanchez, constitutional alcalde, Don Francisco Perez, and Don Pedro Rodrigues de Cala Regidous, and Don Jose Bernardo Reges Lyudice, they resolved, amongst other things, the following act:

*Resolution.*

At the session, the secretary of the council has presented a representation directed to this hon'l body by Dn. Juan X. de Arrambide, under date of the first of February last, enclosing a copy of the resolution of the most excellent provincial deputations, respecting the concession of two leagues to each point of the compass, which were made to him, with the consent of the most excellent the captain general political chief of the Island of Cuba and both Floridas, in the territory of the south side of this province, soliciting that this honorable body do dispatch to him the title of property of the said two leagues of land to the north of the river Miamies, which are on the northwest side of Cayo Biscayno; and the gentlemen agreeing, having in view the said determination of H. E., with an authenticated copy from the most excellent deputation, which was communicated to this council by the president H. E. the governor, in obedience as well to the resolution of the aforesaid deputation as to the approval of the most excellent captain general, they determined to grant the favor solicited by Dn. Juan X. de Arrambide; for which end, and

that he may be able to prove the title of property which he claims, let the present secretary deliver to him an authenticated copy of the said representation, and this act, which shall be given him for his security as a title for the grant which is made to him, with the exception of every thing which, according to the laws, this body ought to know of the business.

*Representation.*

To the Honorable Council:

Don Juan X. de Arrambide, with due attention, lays before the council, that it having been determined by this provincial deputation, as appears from the act of the 4th of December, and is confirmed by the annexed copy, to grant me, in property, two leagues to each point of the compass, in the territory on the south part of that province, for the purposes set forth in my petition of the 28th of May, of last year; and what appears likewise from the said act, leaving to my choice the place where I should settle myself, and desiring to effect two leagues* to the north of the river of Miamies, which is at the north-west side of Cayo Biscayno, I pray your honors to be pleased to expedite to me the corresponding title of property for the two leagues of land to each point of the compass, agreeably to this situation, reserving to myself to produce the plat of the said lands, and what is made known on the subject, as soon as I find myself prepared to take it out, to commence the establishment which I am to effect.

JUAN X. DE ARRAMBIDE.

Havana, the 1st of February, 1814.

This is a copy.

JUAN DE ENTRALGO, *Secretary.*

St. Augustine, Florida, the 3d of June, 1814.

Don Manuel Lopez Garcia, ministerial officer and royal collector of the national chests of the city of St. Augustine, Florida, and Dn. Jose Antonia Ygnieus, treasurer pro tem. of them:

We certify that Dn. Juan de Entralgo, by whom the foregoing certificate is signed, is secretary of this honorable council, as he styles himself, a notary pro tem. of the government in this city—the only one in it, and in its province—and to such persons as him, full faith and credit is given, both in law and equity. To confirm which, we sign these presents, at the request of the party, in this city.

St. Augustine, Florida, the 6th of June, 1814.

JOSE ANTONIO DE YGNIEUS,
MANUER LOPEZ.

*N. B. The above word leguas is blotted in the original, and the word minos written over it; the word leguas is evidently the true word. I have therefore translated it leagues.

W. N. TRUN, *Translator.*

TRANSLATION.

Be it known, that I, Don Juan Xavier de Arrambide y Goicocheo, resident of this city, declare that I give my power, full and sufficient, as may be required and necessary in law, to Mr. John B. Strong, a citizen of the United States of America, general, that he may charge, defend, liquidate, sell, and finish, whatever affairs may appertain to or concern him in the said States, with a revocation of every other power, particularly that granted in favor of Don John Forbes, as I declare of no value whatever document may have reference to it; and especially for the sale of the lands I have in East Florida, delivering the respective writings which he may make valid and firm as if I myself were present in person; and in case of necessity, sew with writings, witnesses, proofs, other documents and papers, which he may take possession of whenever they shall be found; make protests, citations, and summonses, demand executions, captions, discharges, detention and releasing of property, sale, sale to pay debts, and auction of what he would take possession of, should it be adjudged to him, and for every kind of proofs, the necessary terms, and renounce them, power to delegate warrants to comply, precepts and commissions, which he may cause to be read publicly, and make known to whomsoever and whensoever he finds it necessary. He may see and examine witnesses presented and sworn on the adverse side, make objections to, find defects in them, be surety for persons, and vouch for depositions, make oaths and accusations, hear and bring to a conclusion judicial decrees, and interlocutory and definitive sentences, consent to what is favorable, and petition and appeal from what is adverse, instruct and direct appeals, and whatever competent and legal courses he can and ought to pursue; finally to proceed, act, and do, on other matters, judicial and extra-judicial, required in any of my affairs; for which, and all *incidences* and dependencies, I give this power, without limitation, with free and general administration, power of commencing suits, swearing, sustaining them, and concluding them himself, in compromising them through arbitration, juries, or friendly referees, and exonerating the parties in form. For the firmness and accomplishment of what he shall perform in virtue of this, I bind present and future property, power of tribunals, and renunciation of laws.

In testimony of which, this is dated, in this city of Puerto Principi, the 17th of January, 1820. I, the notary of the council, attest that I know the grantor who said as is set forth, and signed this, there being witnesses present, Dn. Pedro de Lespidez, Dn. Pro de Eird, and Dn. Ramon de la Forre.

JUAN XAVIER DE ARRAMBIDE Y GOICOECHEO.

Before me, JOSE RAFAEL CASTELLANO.

This is conformable to the original, to which I refer, and at the desire of the party, cause it to be written.

PUERTO PRINCIPI, January 20, 1820.

JOSE RAFAEL CASTELLANO.

We, the undersigned, citizens of the United States of America, now in this city, do declare that the signature of Dn. Jose Rafael Castellano, annexed to the preceding document, is of his own hand, and that he is a notary public of this said city, duly authorized, and that due faith and credit is, and ought to be, given to his signature, as a public notary.

PUERTO PRINCIPI, Jan'y 21, 1820.

G. F. USHER,
JOSEPH B. BLENET.

I, the undersigned, merchant, residing in this city, do declare that I know Dn. Jose Rafael Castellanos, and that he is notary public, duly authorized, and that to his signature the preceding document, in the Spanish language, and to all other public instruments, due faith and credit is and ought to be given.

PUERTO DEL PRINCIPI, Jan'y 22d, 1820.

JNO. OWEN.

I, Antonia Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augus-
[SEAL.] tine, Territory of Florida, this twenty-eighth day of March A. D. one thousand eight hundred and thirty-six.

ANTONIO ALVAREZ, *K. P. A.*

TRANSLATION.

Be it known, that I, John B. Strong, citizen of the U. States of America, at present a resident of this city, and attorney of Don Juan Xavier de Arrambide Goicoechea, resident of Puerto Principi, in the Island of Cuba, as appointed by him, before the notary of that council, Don Jose Rafael Castellornos, 17th of January of the present year, a copy of which shall be added in continuation, and is sufficient for what shall be said; I declare that I really sell to Don Jorge Clarke, an inhabitant of this province, surveyor general in it, two leagues of land, to each point of the compass, which is in square, in the territory on the south side of this province, situated about two leagues north of the river Miamies, which is in the northwest side of Cayo Biscayno, and is between the mouth of Rio Nuevo, (New River,) which discharges itself on the coast of Florida, and the long point on the south side, following the same course to the sea shore, which land was granted to me in full property by the constitutional junta of this city, by an act passed the 22nd of March, 1814, in virtue of the determination of the most excellent Captain-general of the Island of Cuba and both Floridas, communicated with an authenticated copy of the opinion of the most excellent provincial deputation. And I sell him the said two leagues to each point of the compass, on the terms and under the circumstances on which they were granted to my said principal, Don

Juan Xavier de Arrambide Goicoecheo, with its pastures, woods, water, entrances, outlets, uses, customs, rights and services, in the manner which corresponds to him, and that he may use it for himself and his successors, free of all incumbrance, (as I, the notary certify from the result of my search of the book of mortgages in my charge, which I have made for the purpose,) at the price of $20,000, which the purchaser has paid me in current money, which I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and every thing else in the case, for which I deliver a receipt in form; in virtue of which, I seperate my principal from the right of property, possession, use, seigniory and other actions, real and personal, which he had and held to said lands, as I cede, renounce and transfer it to the purchaser and his representatives, that as his own he may take possession in the manner most convenient to him, by virtue of this deed, by which he may dispose at his will, of the thing acquired without occasion for further proof, from which I relieve him. And I bind my principal to the execution and guarantee of this sale, in sufficient form and as may best suit in favor of the purchaser, with the goods of my principal, present, and future power and submission to the tribunals of this domicile, that they may compel him to its performance, as by sentence consented and passed in authority of an adjudged case; of which I renounce all the laws, customs, rights and privileges, in his favor, and the general law in form which prohibits it; and I, Don William Travers, being present, by order of the purchaser, Dr. George Clarke, accept in his favor this deed, and by it receive as purchased the said lands, at the price and agreement at which they have been sold to him, which he gives as delivered to his will, with a renunciation of proof, laws of delivery, those of a thing not seen or received, fraud, and every thing else in the case, for which I deliver a receipt in form:

In testimony of which, this is dated in this city of St. Augustine, Florida, the 29th April, 1820.

I, the notary, attest, that the parties said thus and signed it, there being witnesses, Don Bernado Segui, who served as interpreter, there being no public one, Don Pedro Miranda and Don Fernando de la Masa Arredondo, inhabitants present.

JOHN B. STRONG,
WILLIAM TRAVERS.

As interpreter, BERUADO SEGUI,
Before me, JUAN DE ENTRALGO,
*Notary of Government.*

GEORGIA—*Camden County.*

This indenture, made this fourth day of January, in the year of our Lord eighteen hundred twenty-two, between George J. F. Clarke, of the province of E. Florida, on the one part, and John B. Strong, of

said province, on the other part, witnesseth, that the said George J. F. Clarke, for and in consideration of the sum of one dollar, to him in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold and conveyed, and by these presents, do grant, bargain, sell, and convey unto the said Strong, a quantity of land lying in the southern part of said province, "situated two leagues north of the river Miamie, which lies to the northwest of Key Viscayno," "and containing two leagues measurement to each wind," as will more fully appear by the grant thereof, made by the Spanish Government, to John X. Arrambide, and which said quantity of land was sold to said Clarke, by the said Strong, as the attorney of the said Arrambide, as pr. instrument executed on the records of St. Augustine, E. Florida, on the twenty-ninth of April, eighteen huudred and twenty.

To have and to hold unto him, the said John B. Strong, his heirs and assigns, the said lands, in the same State, that he, the said Clarke, received them from him.

And the said George J. F. Clarke, for himself, his heirs, executors and administrators, and the said John B. Strong, his heirs and assigns, will forever warrant the said bargained premises only against themselves.

In witness whereof, the said Clarke hath hereunto set his hand and seal, the day and year above written.

GEO. F. CLARKE. [SEAL.]

Signed, sealed and delivered in the presence of
JAMES BENTHEUN,
THOS. H. MILLER, *J. J. C. C C.*

CAMDEN COUNTY—*St. Mary's, Ga.*

On this 11th day of August, 1837, personally appeared before me, Thos. H. Miller, to me personally known, and being duly sworn, made oath that the above deed was executed by George J. F. Clarke, in his presence, and in the presence of James Bentheun, and that he, the said Bentheun, subscribed their names thereunto, as witnesses to said execution, which to me is satisfactory proof of its due execution.

S. CLARKE,
*Intend't of St. Mary's.*

ST. MARY'S:

I, John Bessent, clerk of the intendant's court for the city of St. Mary's, do certify that Samuel Clarke, whose signature is attached to the above certificate, is the intendant of said city, duly authorized and appointed; that I am acquainted with his hand writing, and know the above signature to be genuine, and that said court is a court of record, and that the said Clarke is competent to make said certificate.

In testimony whereof, I do hereunto affix my hand and the seal of the said court, the 12th day of August, 1837.

[SEAL.] JOHN BESSENT, *Clk.*
*Intendant's Court, St Mary's.*

I, Samuel Clarke, intendant of the city of St. Marys, do certify, that John Bessent, whose signature appears to the above certificate, is the clerk of the intendant's court, in St. Mary's, of which I am the judge; that the above certificate is in his hand writing and in due form.

S. CLARKE,
*Intend't of St. Mary's.*

ST. MARY'S, August 12th, 1837.

TERRITORY OF FLORIDA—*Monroe County:*

I, Joseph A. Thomon, clerk of Monroe county court, do hereby certify that the foregoing instrument of writing was duly recorded at my office, on the 16th Sep., 1837.

J. A. THOMON,
*Clerk M. C. C.*

*Copy—Exhibit D.*

THE STATE OF SOUTH CAROLINA:

Know all men by these presents, that I, John B. Strong, of the city of St. Augustine, in East Florida, but at present in Charleston, in the state aforesaid, for and in consideration of the sum of twenty thousand dollars, to me in hand paid by Joseph Delespine of the same place, but at present in the city of Charleston, in the state aforesaid, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Joseph Delespine, all that certain piece or parcel of land, situate, lying and being in the southern part of the province of East Florida, of two leagues of land to each point of the compass, on the northern part of the river de los Maimes, which lies to the northward of Cayo Bizcayno, or Key Biscayno, and which said tract of land contains ninety-two thousand one hundred and sixty acres be the same more or less, and which said tract of land was granted to Juan X. de Arambide, by the Captain-general of the island of Cuba and of the two Floridas, and confirmed by the governor and corporation of East Florida, and was sold to me by the said Arrambide, in Puerto Principi, in the island of Cuba, in the month of July, one thousand eight hundred and nineteen, and for a more particular description of the said tract of land, and every thing relating thereto, more particular reference may be had to the original grant made to the said Juan X. Arrambide.

Together with all and singular, the rights, members, heriditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining. To have, and to hold, all and singular, the

premises before mentioned, unto the said Joseph Delespine, his heirs and assigns forever.

And I do hereby bind myself, my heirs, executors, and administrators, to warrant and forever defend, all and singular, the said premises unto the said Joseph Delespine, his heirs and assigns, against myself and my heirs, and all other persons, lawfully claiming, or to claim the same, or any part thereof.

Witness my hand and seal, this twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-sixth year of the independence of the United States of America.

JOHN B. STRONG, [SEAL.]

Signed, sealed and delivered in the presence of
WM. MCCORMICK,
THOMAS WEBB HOLNEL.

THE STATE OF SOUTH CAROLINA—*Charleston District.*

Personally appeared before me, William McCormick, and made oath that he saw the within named John B. Strong, sign, seal, and as his act and deed, deliver the within written deed, and I, with Thomas Webb Holnel, witnessed the execution thereof.

Sworn before me, this twenty-fifth day of February, 1822.

PETER TRESNANT,
*Notary Public and Justice of the Quorum.*

And also, appeared John B. Strong and acknowledged the signature on the other side, to be his proper hand writing, sealed and delivered for the purposes therein mentioned.

In testimony whereof, I, Peter Treznant, notary public and justice of the quorum, duly commissioned and sworn, residing and practising in the city and State aforesaid, [SEAL.] have hereunto set my hand and affixed my seal notarial, this first day of March, 1822, and forty-sixth of the independence of the United States of America.

PETER TREZNANT,
*Notary Public and*
*Justice of the Quorum.*

[Indexed on the back.]

Recorded in my office this twenty-sixth day of March, 1822, in liber B, folios 54 and 55.

EDMUND LAW,
*Alcalde.*

[Exhibit E.]

TERRITORY OF FLORIDA—*Monroe County.*

I, William H. Wall, Spanish translator for the superior court for the southern district of Florida, do hereby certify that the translations above made, from Spanish documents, are just and correct.

W. H. WALL.

THE UNITED STATES OF AMERICA,
*Southern Judicial District of Florida.*

I, Alden A. M. Jackson, clerk of the superior court for the said district, do hereby certify that William H. Wall, whose name appears to the foregoing certificate, is Spanish translator for the said court, and that the foregoing documents are copies of exhibits duly read on the trial of the case of Joseph Delespine *vs.* the United States, and that the originals now remain on file in my office.

In testimony whereof, I have hereunto set my hand and the seal of the said court, this twenty-seventh day of September, in the year one thousand eight hundred and thirty-eight.

[SEAL.]

ALDEN A. M. JACKSON, *Clerk*,
By L. W. SMITH, *Deputy*.

JOSEPH DELESPINE, *vs.* THE UNITED STATES. } Land Claim.

James Egan, a witness introduced by the petitioner in said cause, being duly sworn in open court, saith: that he has resided at or near Cape Florida, in the Territory of Florida, since the year 1806; that some time in the year 1814, in the latter part of the summer, as he thinks, but is not positive as to the time, Don Juan Xavier de Arrambide, came in a vessel from Havana, and brought a number of persons with him, and took possession of a tract of land, at the mouth of the Miami river, where he remained between three and four years; that he erected in the time, four or five houses, cut considerable timber, and cultivated some land; that his houses were mostly built on the south side of the river, and the land cultivated by him was on the same side, but the timber was principally cut on the north side; that Arrambide brought with him a supply of provisions, working tools, and other articles for the establishment, and stated upon his arrival, that he came to take possession of a grant of land twelve miles square, and was going to build mills upon it. That at the time he left the land, and for some time before, the runaway negroes were very troublesome and dangerous. They burnt one of his houses, destroyed a good deal of his property, and carried off four or five of his slaves.

Cross-Examined by District Attorney.

Says, at the time of Arrambide's arrival he (witness) was fourteen years of age, and is now thirty-three; that the individuals whom Arrambide brought with him, consisted of six or eight white persons and ten or twelve slaves, the slaves principally men and boys, and that when he left the land, one family of the whites remained. That the Indians were not troublesome, but the fugitive negroes were very much so. They came in gangs of eighteen or twenty at a time, always armed with guns, and were sometimes very insolent, but never made any attack on witness' family; that he does not know positively, that they carried away Arrambide's slaves, but knows the slaves went off with them, and he heard one of them afterwards acknowledge the burning the house, and stated he did it because Arrambide owed him money and had not paid it, and wished he had taken his life.

States further, that Arrambide assigned as a reason for going away, that the negroes had threatend to take his life, and he considered himself in danger if he remained with his present force, but that he would go and procure a larger force, and return and complete his works.

Odit Philippe, a witness produced on the part of the United States, being duly sworn in open court, says:

That he became acquainted with Arrambide in Charleston, in the year 1818, and was informed by him that he had a grant of a large tract of land, from the Spanish Government, near Cape Florida, on which he was going to build mills. That he had been living on the land, and was going back as soon as he could, and asked him, witness, to go with him, and carry his negroes, and said he would give him a tract of land, and they would go into business together. Witness says he did not like to venture, and declined the proposition.

William Cooly, a witness on the part of the United States, being duly sworn, says:

That he does not consider there are any mill-sites near Cape Florida. At the Falls of the Miami, there is sometimes a great abundance of water, and sometimes a scarcity. He thinks the fall not sufficient for a mill. Does not know of any mills being erected there by Arrambide; was not acquainted with him. Has only lived at, or near Cape Florida since 1824.

Temple Pent, a witness on the part of the United States, being duly sworn, says:

That in 1815 he saw Arrambide, who was then living on the south side of the Miami river. Was told by Arrambide that his object in coming there was, to settle a tract of land twelve miles square, for the purpose of supplying the Havana with lumber and hoop-poles; that he intended to settle one hundred families on the land, and the Government was to furnish him with one hundred troops from Ha-